

CRAVATH, SWAINE & MOORE LLP

WORLDWIDE PLAZA
825 EIGHTH AVENUE
NEW YORK, NY 10019-7475

TELEPHONE: +1-212-474-1000
FACSIMILE: +1-212-474-3700

CITYPOINT
ONE ROPEMAKER STREET
LONDON EC2Y 9HR
TELEPHONE: +44-20-7453-1000
FACSIMILE: +44-20-7860-1150

WRITER'S DIRECT DIAL NUMBER
+1-212-474-1596

WRITER'S EMAIL ADDRESS
Korsini@cravath.com

DAVID J. PERKINS
J. LEONARD TETI, II
D. SCOTT BENNETT
TING S. CHEN
CHRISTOPHER K. FARGO
DAVID M. STUART
AARON M. GRUBER
O. KEITH HALLAM, III
OMID H. NASAB
DAMARIS HERNÁNDEZ
JONATHAN J. KATZ
DAVID L. PORTILLA
RORY A. LERARIS
MARGARET T. SEGALL
NICHOLAS A. DORSEY
ANDREW C. ELKEN
JENNY HOCHENBERG
VANESSA A. LAVELY
G.J. LIGELIS JR.
MICHAEL E. MARIANI
LAUREN R. KENNEDY
SASHA ROSENTHAL-LARREA
ALLISON M. WEIN
MICHAEL P. ADDIS
JUSTIN C. CLARKE
SHARONMOYEE GOSWAMI
C. DANIEL HAAREN
EVAN MEHRAN NORRIS

LAUREN M. ROSENBERG
MICHAEL L. ARNOLD
HEATHER A. BENJAMIN
MATTHEW J. BOBBY
DANIEL J. CERQUEIRA
ALEXANDRA C. DENNING
HELAN GEBREMARIAM
MATTHEW G. JONES
MATTHEW M. KELLY
DAVID H. KORN
BRITTANY L. SUKIENNIK
ANDREW M. WARK

PARTNER EMERITUS
SAMUEL C. BUTLER

OF COUNSEL
MICHAEL L. SCHLER
CHRISTOPHER J. KELLY
KIMBERLEY S. DREXLER
NICOLE F. FOSTER
LILLIAN S. GROSSBARD
KIMBERLY A. GROUSSET
ANDREI HARASYMIAK

JOHN W. WHITE
EVAN R. CHESLER
STEPHEN L. GORDON
ROBERT H. BARON
DAVID MERCADO
CHRISTINE A. VARNEY
PETER T. BARBUR
MICHAEL S. GOLDMAN
RICHARD HALL
JULIE A. NORTH
ANDREW W. NEEDHAM
STEPHEN L. BURNS
KATHERINE B. FORREST
KEITH R. HUMMEL
DAVID J. KAPPOS
DANIEL SLIFKIN
ROBERT I. TOWNSEND, III
PHILIP J. BOECKMAN
RONALD E. CREAMER JR.
WILLIAM V. FOGG
FAIZA J. SAEED
RICHARD J. STARK
THOMAS E. DUNN
MARK I. GREENE
DAVID R. MARRIOTT
MICHAEL A. PASKIN
ANDREW J. PITTS
MICHAEL T. REYNOLDS

ANTONY L. RYAN
GEORGE E. ZOBITZ
GEORGE A. STEPHANAKIS
DARIN P. MCATEE
GARY A. BORNSTEIN
TIMOTHY G. CAMERON
KARIN A. DEMASI
DAVID S. FINKELSTEIN
RACHEL G. SKAISTIS
PAUL H. ZUMBRO
ERIC W. HILFERS
GEORGE F. SCHOEN
ERIK R. TAVZEL
CRAIG F. ARCELLA
LAUREN ANGELILLI
TATIANA LAPUSHCHIK
ALYSSA K. CAPLES
JENNIFER S. CONWAY
MINH VAN NGO
KEVIN J. ORSINI
MATTHEW MORREALE
JOHN D. BURETTA
J. WESLEY EARNHARDT
YONATAN EVEN
BENJAMIN GRUENSTEIN
JOSEPH D. ZAVAGLIA
STEPHEN M. KESSING
LAUREN A. MOSKOWITZ

December 6, 2021

In re Google Digital Advertising Antitrust Litigation, No. 1:21-md-03010 (PKC)
State of Texas, et al. v. Google LLC, No. 1:21-cv-06841 (PKC)

Dear Judge Castel:

We represent Facebook, Inc.¹ (“Facebook”) in the above-captioned multidistrict litigation. We write concerning Plaintiff States’ Reply to Defendant Google LLC’s Response to Plaintiffs States’ Motion for Leave to File the Unredacted Third Amended Complaint Under Seal (the “Reply”) (Dkt. 187) in the *State of Texas, et al. v. Google LLC* action, in which Facebook is not a party. In accordance with Rule 1.A of the Court’s Individual Practices, we note that no upcoming conferences are currently scheduled in this matter.

In their Reply, Plaintiffs are attempting to relitigate two orders of this Court requiring Plaintiffs to keep the identities of Facebook employees discussed in their complaint against Google under seal. On October 15, 2021, this Court entered an order granting Google’s request to seal the “names, job titles and e-mail addresses” of certain Google employees who were referenced in the Second Amended Complaint. (Dkt. 147.) On October 21, 2021, non-party Facebook submitted a letter respectfully requesting the Court afford “the same treatment being afforded to information about Google employees” to information about Facebook employees. (Dkt. 150.) That same day, this Court entered a Memo Endorsement of Facebook’s request, noting that the “Names, contact information, including email addresses of Facebook employees, if any, should be redacted before the Second Amended Complaint is publicly filed. (Dkt. 151.) Consistent with that order, Plaintiffs thereafter redacted the personally identifying information

¹ On October 28, 2021, Facebook, Inc. changed its name to Meta Platforms, Inc.

regarding Facebook employees, including job titles, from the Second Amended Complaint before publicly filing it. (Dkt. 152.)

On November 12, 2021, Plaintiffs filed their Third Amended Complaint along with a motion to file the unredacted Third Amended Complaint under seal. (Dkts. 174, 176.) In that motion to seal, Plaintiffs first sought to revisit the sealing issue the Court had already decided by arguing that only the names of “lower-level” Facebook employees should remain redacted and not the names of “higher-level” Facebook employees. (Dkt. 174 at 2-3.) Facebook submitted a response noting that this Court had already addressed this issue and requested that the Court afford the same protections to Facebook employees referenced in the Third Amended Complaint as it afforded to Facebook employees referenced in the Second Amended Complaint. (Dkt. 184.) This Court entered a Memo Endorsement of Facebook’s request on December 2, 2021. (Dkt. 186.)

In a reply to their motion to seal filed after the Court’s memo endorsement, Plaintiffs have yet again tried to revisit the Court’s Order. This time, Plaintiffs contend that they do not need to redact the job titles of non-party Facebook employees referenced in the Third Amended Complaint because Facebook’s most recent letter and the Court’s Memo Endorsement of it did not explicitly mention the redaction of job titles. (Dkt. 187 at 2-4.) But Plaintiffs’ position is clearly inconsistent with the Court’s previous orders and the treatment that was afforded the Facebook employees with respect to the Second Amended Complaint. The purpose of those orders was to protect the privacy interest of non-party Facebook employees and un-redacting job titles would likely defeat the purpose of the Courts’ prior orders.

Facebook therefore respectfully requests that the Court decline to revisit its prior orders on this issue and continue to require Plaintiffs to redact all personally identifying information regarding non-party Facebook employees before the Third Amended Complaint is publicly filed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kevin J. Orsini".

Kevin J. Orsini

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

cc: All Counsel of Record (via CM/ECF)